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CONCORD, N.H.

Mr. Jonathan A. Osgood
Superintendent of Schools
Salem, New Hampshire

Dear Mr. Osgood:

You have requested an interpretation of R. L.
chapter 135, section 12. This statute reads:

"12. Fuel; Repairs. The school board shall provide
necessary fuel, and shall make such occasional repairs
of the school houses and furniture as may be
necessary, not exceeding in cost five per cent of the
school money".

It is our opinion that this section requires a
school board to provide necessary fuel for heating schools
regardless of cost and requires the school board to make
repairs but such repairs to be limited in cost to five per
cent of the school appropriation.

The interpretation placed upon this section
by you would render meaningless the last phrase of the section
"not exceeding in cost five per cent of the school money".
It is basic that we cannot ignore statutory language. It is
presumed that the Legislature included the words for a purpose.
Upon examination the reason becomes apparent. In ignoring
five per cent limitation on repairs the school board, if it
desired, could expend any amount of money upon school build-
ings by terming their action "repairs". The Legislature
apparently felt that five per cent of the school budget would
be sufficient to provide for occasional repairs. Any sum in
excess of this amount would probably come under the heading of
"New Equipment" or "Capital Expenditure". Such items should
be placed squarely before the voters of the school district.

I trust that this opinion will reach you prior
to your school meeting.

Very truly yours,

Henry Dowst, Jr.
Assistant Attorney General

HD:RM